

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

\$35,131.00 IN U.S. CURRENCY,

Defendant in rem.

§
§
§
§
§
§
§
§

Civil Action No.: 4:11-cv-02659

CLAIMANTS' MOTION TO STAY PROCEEDINGS

Berekti Abebe Jones and Kyle Daniel Jones ("Claimants"), pursuant to 18 U.S.C. § 981(g)(2), respectfully request that this Court stay these proceedings. In support of this request, Claimants submit the following:

Claimants could be subject to criminal prosecution as a result of the facts alleged in the Amended Verified Complaint for Forfeiture In Rem filed by Plaintiff, the United States of America ("Amended Complaint"). Claimants do not know if they are the subject of a related criminal investigation.

Claimants have filed claims in this case. They have standing, as owners of the currency in question, to assert claims in the civil forfeiture proceeding.

Continuation of this forfeiture proceeding may burden the rights of the Claimants against self-incrimination in a related, possible criminal investigation or case. The Government should verify to the Court whether the Claimants are, or will be, the subject of a related criminal investigation or case.

Conclusion

Claimants respectfully request that the Court stay this forfeiture proceeding until the Government verifies that the Claimants are not, and will not be, the subject of a related criminal investigation or case.

Dated: September 12, 2011

Respectfully submitted,
YETTER COLEMAN LLP

By: /s/ Bryce L. Callahan
Bryce L. Callahan
Texas State Bar No. 24055248
Federal ID No. 680539
909 Fannin, Suite 3600
Houston, Texas 77010
(713) 632-8000
(713) 632-8002 (Fax)
bcallahan@yettercoleman.com

ATTORNEYS FOR CLAIMANTS
BEREKTI ABEBE JONES AND KYLE DANIEL JONES

Certificate of Conference

I hereby certify that on September 12, 2011, I contacted Mr. Ratliff about this Motion and he is opposed to the relief requested here.

Executed on the 12th day of September, 2011.

/s/ Bryce L. Callahan
Bryce L. Callahan

Certificate of Service

I hereby certify that on September 12, 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/EMF system which will send notification of such filing to the following:

Albert Ratliff
Assistant U.S. Attorney
P.O. Box 61129
Houston, Texas 77208

/s/ Bryce L. Callahan
Bryce L. Callahan